UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,176	09/10/2001	Colin T Mallett	36-1483	9581

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EXAMINER
BATURAY, ALICIA

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/936,176	MALLETT ET AL.
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _13-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _13-37_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 September 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☒ Certified copies of the priority documents have been received in Application No. _09/936,176_.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _04112005_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the amendment filed 11 April 2005.

2. Claims 1-12 were cancelled.

3. Claims 13-37 were added.

4. Claims 13-37 are pending in this Office Action.

Response to Amendment

5. The objection of claim 12 regarding the use of outline format was addressed and is withdrawn.

6. Applicant's amendments and arguments with respect to claims 1-12 and new claims 13-37 filed on 11 April 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavsky et al. (U.S. 2003/0021259) and further in view of Kessler et al. ("ISDN: Concepts, Facilities, and Services").

Miloslavsky teaches the invention substantially as claimed including an email-to-server adapter that includes an information extractor for extracting relevant information from emails (Miloslavsky, page 21, paragraph 241).

9.   With respect to claim 13, Miloslavsky teaches a network terminating unit for receiving digital data via a communications link naming a signaling channel and at least one data channel, the signal channel being operable to establish and control connections between the network terminating unit and one or more data sources via the communications link so that data can be transferred from the or each data source to the network terminating unit via at least one data channel (Miloslavsky, page 3, paragraph 47), the network terminating unit comprising:

A processor (Miloslavsky, page 21, paragraph 246) arranged to detect messages transmitted on the signaling channel that contain at least partial data of a predetermined type, means arranged to extract the at least partial data; and means arranged to store the at least partial data for passing to a first destination device (Miloslavsky, page 21, paragraph 241).

Miloslavsky does not explicitly teach the network terminating unit being able to reconstitute the data from the separate signaling messages.

However, Kessler teaches the detected messages comprising sufficient information to enable the network terminating unit to establish how parts of data of the same predetermined type sent in separate messages are linked to enable the network terminating unit to reconstitute data and the network terminating unit being arranged to establish how partial data detected in separate signaling messages are linked and being further arranged to

reconstitute the data from the plurality of signaling messages (Kessler, page 151, "More

Data" and page 729 "More Data"). Any network terminating unit that can communicate

using a layer 3 protocol should be able to reconstruct the data correctly if the current message

indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Miloslavsky with Kessler in order to enable the network terminating

unit with the ability to reconstitute the data from the separate signaling messages. One would

be motivated to do so in order to take advantage of a built in parameter supplied by a

signaling message.

10.   With respect to claim 14, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit that is present in between the sending and destination

device (Miloslavsky, page 21, paragraph 241).

Miloslavsky does not explicitly teach the partial data being reconstructed.

However, Kessler does teach where the at least partial data is reconstituted (Kessler, page

151, "More Data" and page 729 "More Data"). Any network terminating unit that can

communicate using a layer 3 protocol should be able to reconstruct the data correctly if the

current message indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Miloslavsky with Kessler in order to enable the network terminating

unit with the ability to reconstitute the data from the separate signaling messages. One would

be motivated to do so in order to take advantage of a built in parameter supplied by a

signaling message.

11.   With respect to claim 15, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit further comprising means operable to send at least

partial data received for the destination device to further destination devices using messages

transmitted on the signaling channel (Miloslavsky, page 21, paragraph 258).

12.   With respect to claim 16, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit in which the communications link is provided via

Integrated Services Digital Network equipment (Miloslavsky, page 3, paragraph 47).

13.   With respect to claim 17, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit in which the at least partial data is a part or a while at

least one e-mail message or other textual message (Miloslavsky, page 21, paragraph 241).

14.   With respect to claim 18, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit in which the predetermined type of the at least partial

data comprises a software download data type, database search results, news information or

telemetry data type (Miloslavsky, page 21, paragraph 244).

15.   With respect to claim 19, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit further comprising means operable to detect whether the

destination device is active so as to be able to receive the data and, if the device is active, to

transmit the data stored by the network terminating unit to the device (Miloslavsky, page 21,

paragraph 257).

16.   With respect to claim 20, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit further comprising means operable to receive data from

the destination device and to package the data in one or more signaling messages for

transmitting the data to a further destination device (Miloslavsky, page 21, paragraph 258).

17.   With respect to claim 21, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit further comprising means operable to detect signaling

messages indicating the set up of a connection to a predetermined destination device and in

response to such detection to transmit the data stored by the network terminating unit to the

predetermined destination device (Miloslavsky, page 21, paragraphs 257-258). Logging on to

a system is akin to setting up a session or connection.

18.   With respect to claim 22, Miloslavsky teaches the invention described in claim 13,

including a network terminating unit and the use of an ISDN communications link

(Miloslavsky, page 3, paragraph 47).

Miloslavsky does not explicitly teach sending or receiving of data when signaling channel activity is within a certain range.

However, Kessler teaches a network terminating unit further comprising means operable to monitor the activity of the signaling channel and to send and/or receive the data of a predetermined type when the signaling channel activity is within a predetermined range (Kessler, page 42, paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miloslavsky in view of Kessler in order to send or receive data when signaling channel activity was within a certain range. One would be motivated to do so in order to describe in greater detail the services available on an ISDN line.

19.   With respect to claim 23, Miloslavsky teaches the invention described in claim 13, including a network terminating unit further comprising:

Means operable to send and/or receive the data of a predetermined type during a predetermined time interval (Miloslavsky, page 22, paragraph 260).

20.   With respect to claim 24, Miloslavsky teaches the invention described in claim 13, including a network terminating unit and the use of an ISDN communications link (Miloslavsky, page 3, paragraph 47).

Miloslavsky does not explicitly teach transmitting data to the destination using a data channel if the time to send it via the signaling channel exceeds a certain threshold.

However, Kessler teaches a network terminating unit further comprising means operable to estimate the time for transmitting data to a destination via the signaling channel and, if the time exceeds a predetermined threshold, to transmit the data to the destination using one or more of the data channels (Kessler, page 87, paragraph 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miloslavsky in view of Kessler in order to send or receive data when signaling channel activity was within a certain range. One would be motivated to do so in order to describe in greater detail the services available on an ISDN line.

21.   With respect to claim 25, Miloslavsky teaches the invention described in claim 16, including a network terminating unit further comprising:

Means operable to: first, establish the number of messages to be transmitted to a destination device and transmit data representing the number (Miloslavsky, page 22, paragraph 260), second, identify the sender of each message to be transmitted to the destination device and transmit data representing each sender (Miloslavsky, page 21, paragraph 242), and third, transmit data representing the text of each message to the destination device (Miloslavsky, page 21, paragraph 258). If a certain number of messages is reached, the router holds the messages normally transmitted to the server and sends an indication (data representing this number) of this overload to the server so that the server can take appropriate action.

22.   With respect to claim 26, Miloslavsky teaches a method of operating a network

terminating unit for receiving digital data via a communications link including a signaling

channel and at least one data channel, the signaling channel being operable to establish and

control connections between the network terminating unit and one or more data sources via

the communications link so that data can be transferred from the or each data source to the

network terminating unit via at least one data channel (Miloslavsky, page 3, paragraph 47),

the method of operating the network terminating unit comprising:

Detecting messages transmitted on the signaling channel that contain at least partial data

of a predetermined type, and extracting the at least partial data; and storing the at least partial

data for passing to a destination device (Miloslavsky, page 21, paragraph 241).

Miloslavsky does not explicitly teach the network terminating unit being able to

reconstitute the data from the separate signaling messages.

However, Kessler teaches the detected messages further containing sufficient information

to enable the network terminating unit to establish how parts of data of the same

predetermined type sent in separate messages are linked to enable the network terminating

unit to reconstitute the data, establishing how partial data detected in separate signaling

messages are linked and reconstituting the data from the plurality of signaling messages

(Kessler, page 151, "More Data" and page 729 "More Data"). Any network terminating unit

that can communicate using a layer 3 protocol should be able to reconstruct the data correctly

if the current message indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Miloslavsky with Kessler in order to enable the network terminating

unit with the ability to reconstitute the data from the separate signaling messages. One would

be motivated to do so in order to take advantage of a built in parameter supplied by a

signaling message.

23.   With respect to claim 27, Miloslavsky teaches the invention described in claim 16,

including a network terminating unit that is present in between the sending and destination

device (Miloslavsky, page 21, paragraph 241).

Miloslavsky does not explicitly teach the partial data being reconstructed.

However, Kessler does teach a method where the step of reconstituting the data (Kessler,

page 151, "More Data" and page 729 "More Data"). Any network terminating unit that can

communicate using a layer 3 protocol should be able to reconstruct the data correctly if the

current message indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Miloslavsky with Kessler in order to enable the network terminating

unit with the ability to reconstitute the data from the separate signaling messages. One would

be motivated to do so in order to take advantage of a built in parameter supplied by a

signaling message.

24.   With respect to claim 28, Miloslavsky teaches the invention described in claim 26,

including a method where the communications link comprises an Integrated Services Digital

Network communications link, and the signaling channel is a D channel of an Integrated

Service Digital Network communications link (Miloslavsky, page 3, paragraph 47).

25.   With respect to claim 29, Miloslavsky teaches the invention described in claim 26, including a method where the at least partial data of a predetermined type comprises a part or a whole of at least one e-mail message or other textual message (Miloslavsky, page 21, paragraph 241).

Miloslavsky does not explicitly teach the method of being able to reconstitute the data from the separate signaling messages.

However, Kessler teaches where in the step of reconstituting the digital data into a whole form, the whole of the at least one or more e-mail messages is reconstituted (Kessler, page 162, "7.4.3 D-Channel Access to the ISDN Virtual Circuit Service"). Any network terminating unit that can communicate using a layer 3 protocol should be able to reconstruct the data correctly if the current message indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miloslavsky with Kessler in order to enable the network terminating unit with the ability to reconstitute the data from the separate signaling messages. One would be motivated to do so in order to take advantage of a built in parameter supplied by a signaling message.

26.   With respect to claim 30, Miloslavsky teaches the invention described in claim 26, including a method where the data of a predetermined type comprises a part or a whole of a software download, database search results, news information or telemetry data (Miloslavsky, page 21, paragraph 244).

Miloslavsky does not explicitly teach the method of being able to reconstitute the data from the separate signaling messages.

However, Kessler teaches data that is reconstituted. (Kessler, page 151, "More Data" and page 729 "More Data"). Any network terminating unit that can communicate using a layer 3 protocol should be able to reconstruct the data correctly if the current message indicates that a related signaling message will follow.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Miloslavsky with Kessler in order to enable the network terminating unit with the ability to reconstitute the data from the separate signaling messages. One would be motivated to do so in order to take advantage of a built in parameter supplied by a signaling message.

27.   With respect to claim 31, Miloslavsky teaches the invention described in claim 26, including a method further comprising the step of detecting whether the destination device is active so as to be able to receive the reconstituted data and, if the device is active, to transmit the data stored by the network terminating unit to the device (Miloslavsky, page 21, paragraph 257).

28.   With respect to claim 32, Miloslavsky teaches the invention described in claim 26, including a method further comprising the step of receiving data from the destination device and packaging the data into one or more signaling messages for transmitting to a further destination device (Miloslavsky, page 21, paragraph 258).

29.   With respect to claim 33, Miloslavsky teaches the invention described in claim 26,

including a method further comprising the step of detecting signaling messages indicating the

set up of a connection to a predetermined destination device; and, in response to such

detection transferring the data stored by the network terminating unit to the predetermined

destination device (Miloslavsky, page 21, paragraphs 257-258). Logging on to a system is

akin to setting up a session or connection.

30.   With respect to claim 34, Miloslavsky teaches the invention described in claim 26,

including a method of operating a network terminating unit for receiving digital data via a

communications link including a signaling channel (Miloslavsky, page 3, paragraph 47).

        Miloslavsky does not explicitly teach sending or receiving of data when signaling

channel activity is within a certain range.

        However, Kessler teaches a method further comprising the step of: monitoring the

activity of the signaling channel; and transferring the data of a predetermined type when the

signaling channel activity is within a predetermined range (Kessler, page 42, paragraph 2).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Miloslavsky in view of Kessler in order to send or receive data when

signaling channel activity was within a certain range. One would be motivated to do so in

order to describe in greater detail the services available on an ISDN line.

31.   With respect to claim 35, Miloslavsky teaches the invention described in claim 26,

including a method of operating a network terminating unit for receiving digital data via a

communications link including a signaling channel (Miloslavsky, page 3, paragraph 47).

        Miloslavsky does not explicitly teach transmitting data to the destination using a data

channel if the time to send it via the signaling channel exceeds a certain threshold.

        However, Kessler teaches a method further comprising the step of transferring the data of

a predetermined type during a predetermined time interval (Miloslavsky, page 22, paragraph

260).

32.   With respect to claim 36, Miloslavsky teaches the invention described in claim 26,

including a method of operating a network terminating unit for receiving digital data via a

communications link including a signaling channel (Miloslavsky, page 3, paragraph 47).

        Miloslavsky does not explicitly teach transmitting data to the destination using a data

channel if the time to send it via the signaling channel exceeds a certain threshold.

        However, Kessler teaches a method further comprising the step of: estimating the time

for transmitting data to a destination via the signaling channel; and, if the time exceeds a

predetermined threshold, transferring the data to the destination using one or more of the data

channels (Kessler, page 87, paragraph 6).

        It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Miloslavsky in view of Kessler in order to send or receive data when

signaling channel activity was within a certain range. One would be motivated to do so in

order to describe in greater detail the services available on an ISDN line.

33.   With respect to claim 37, Miloslavsky teaches the invention described in claim 28, including a method further comprising the steps of:

First, establishing the number of messages to be transmitted to a destination device and transferring data representing the number to the network terminating unit (Miloslavsky, page 22, paragraph 260); second, identifying the sender of each message to be transmitted to the destination device and transferring data representing each sender to the network terminating unit (Miloslavsky, page 21, paragraph 242); and third, transferring data representing the text of each message to the network terminating unit (Miloslavsky, page 21, paragraph 258). If a certain number of messages is reached, the router holds the messages normally transmitted to the server and sends an indication (data representing this number) of this overload to the server so that the server can take appropriate action.

Response to Arguments

34. Applicant's arguments filed 11 April 2005 have been fully considered, but they are not persuasive for the reasons set forth below.

35.   *Applicant Argues:* Applicant states "Miloslavsky does not even teach the need to extract partial data from a plurality of messages, and then use the received partial data to reconstitute the whole. Nor does Kessler et al. teach this aspect of the invention, either independently or in combination with Miloslavsky."

In Response: The examiner respectfully submits that Miloslavsky teaches the need to extract the partial data from a plurality of messages (Adapter includes an information extractor for extracting relevant information from emails; examples of relevant information include email addresses – see Miloslavsky, page 21, paragraphs 241 and 242). Kessler teaches reconstructing received partial data to form the whole (a signaling message, that includes a parameter called "more data," that is delivered to the destination user that indicates that another message will follow that contains information belonging to the same block – see Kessler, pages 145, 151, and 729). Any network terminating unit that can communicate using a layer 3 protocol should be able to reconstruct the data correctly if the current message indicates that a related signaling message will follow.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
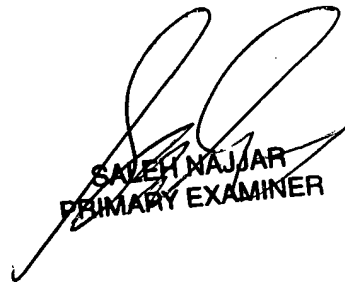
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 6, 2005